

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Madison Metropolitan School District,

Plaintiff,

Case No.: 08-CV-385

v.

P.R., by and through his Parents,
Teresa and Rusty R.,

Defendants.

DOCKET# _____
U.S. DISTRICT COURT
WEST DIST. OF WISCONSIN

AUG 12 2008

FILED
THERESA M. OWENS, CLERK
CASE# _____

Teresa and Rusty R., individually and
as parents of their minor child, Patrick R.,

Plaintiffs,

Case No.: 08-CV-427

v.

Madison Metropolitan School District,

Defendant.

JOINT MOTION TO CONSOLIDATE ACTIONS

The Madison Metropolitan School District (hereinafter "School District"), by its attorneys, Lathrop & Clark LLP, by Joanne Harmon Curry, and Teresa and Rusty R., individually and as Parents of P.R., by their attorney, Disability Rights Wisconsin, Inc., by Jeffrey Spitzer-Resnick, hereby jointly move the Court, pursuant to Fed. R. Civ. P. 42, for consolidation of Case No. 08-CV-385 and Case No. 08-CV-427. On July 7, 2008, Plaintiff School District filed a complaint in this court in Case No. 08-CV-385. On July 24, 2008, the School District removed a case filed by Teresa and Rusty R. from the Dane County Circuit Court, which is now pending before the Western District of Wisconsin as Case No. 08-CV-427.

The parties agree that the two cases involve a common question of law and of fact, where both cases have arisen out of the decision issued in a due process hearing before the Wisconsin Division of Hearings and Appeals, LEA-08-004, pursuant to the federal Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1400 *et seq.*, and Wis. Stats. Ch. 115. The Plaintiff School District has requested that the administrative record from the underlying action in the Division of Hearings and Appeals be transferred to the Western District Court, Case No. 08-CV-385.

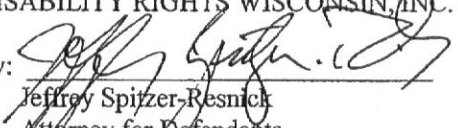
Consolidation of the two cases serves the interest of convenience and economy for both the parties and the court related to the elimination of the duplication of pretrial preparation and presentation of evidence at the trial, and it will avoid the possibility of inconsistent results. Consolidation will not unduly delay the resolution of either action because they are virtually in the same degree of trial readiness and at comparable stages in the pretrial process.

Dated this 4th day of August 2008.

Respectfully,

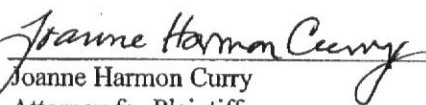
DISABILITY RIGHTS WISCONSIN, INC.

By:


Jeffrey Spitzer-Resnick
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608-267-0214

LATHROP & CLARK LLP

By:


Joanne Harmon Curry
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ORDER

It is hereby ordered that Case No. 08-CV-427 be consolidated with Case No. 08-CV-385.

Barbara B. Crabb

District Court Judge Barbara B. Crabb
Aug. 7, 2008